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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,561	12/20/2001	Toru Morita	SCEIYA 3.0-109	1024
530	7590	02/18/2005	EXAMINER	
LERNER, DAVID, LITTBENBERG, KRMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			BAYARD, DJENANE M	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/027,561	MORITA, TORU	
	<b>Examiner</b>	<b>Art Unit</b>	
	Djenane M Bayard	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 20 December 2001.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/23/02, 5/30/02</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5, 7-12, 14-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,694,133 to Tobita et al.

- a. As per claims 1,14 and 16, Tobita et al teaches an image providing system and method. Furthermore, Tobita teaches communication means, including a subscriber telephone network, for establishing a communication line between a mobile telephone and another telephone when the mobile telephone is dialed up (See col. 8, line 60 and figure 1), a content providing apparatus for providing the content represented by a digital signal to an information terminal (See col. 8, line 59 and figure 1), and a relay apparatus which is connected to a multi-function mobile telephone, having the function as the information terminal, through the subscriber telephone network (See col. 9, lines 45-48), and converts a telephone number notified of by the multi-function mobile telephone into an ID code unique to the multi-function mobile telephone, wherein communication between the multi-function mobile telephone and the content providing apparatus is performed through the relay apparatus (See col. 9, lines 67 and col. 10, lines 1-4,

The gateway server convert the intrinsic identifier which is provided to the request of the mobile phones into a user ID).

b. As per claim 2, Tobita et al teaches an information terminal connected to the multi-function mobile telephone and having a display device larger in size than the multi-function mobile telephone, wherein the communication means comprises the Internet (See col. 9, lines 24-42).

c. As per claim 3, Tobita et al teaches the claimed invention as described above.

Furthermore, Tobita et al teaches wherein the relay apparatus is a gateway arranged to the subscriber telephone network to connect the subscriber telephone network to the Internet (See col. 9, lines 45-48).

d. As per claim 5, Tobita et al teaches the claimed invention as described above.

Furthermore, Tobita et al teaches wherein the content providing apparatus is an Internet server which provides a program and/or data for video gaming (See col. 9, lines 1-10).

e. As per claim 7, Tobita et al teaches the claimed invention as described above.

Furthermore, Tobita et al teaches wherein the relay apparatus comprises a unit which notifies the content providing apparatus of the ID code of the multi-function mobile telephone (See col. 10, lines 1-5).

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f. As per claim 8, Tobita et al teaches the claimed invention as described above.

Furthermore, Tobita et al teaches an information terminal which is connected to the subscriber telephone network using the multi-function mobile telephone that is used as an interface, wherein the content providing apparatus includes a unit which provides the content to the information terminal, and a unit which identifies the information terminal to which the content is provided, based on the ID code notified of by the relay apparatus (See col. 11, lines 1-10).

g. As per claims 9, 15,18-20, Tobita et al teaches a system for providing a content, comprising: a telephone communication network (See col. 8, line 60 and figure 1); a computer network; a server, connected to the computer network, for providing the content (See col. 8, line 59 and figure 1); a terminal, connected to the telephone communication network, and having a telephone number unique thereto (See col. 10, lines 22-25); and a relay apparatus for connecting the telephone communication network to the computer network; wherein the relay apparatus comprises: a unit for relaying communications between the terminal and the server, a unit for connecting the terminal to the computer network in response to a dial-up connection request from the terminal (See col. 9, lines 45-48), a unit for detecting the telephone number of the terminal, a unit for converting the telephone number into a unique code (See col. 9, lines 58-63), and a unit for notifying the server of the unique code (See col. 10, line 4); and the server comprises: a unit for providing the content to the terminal, and a unit for identifying the terminal to which the content is provided, based on the unique code notified of by the relay apparatus (See col. 11, lines 1-20).

h. As per claim 10, Tobita et al teaches the claimed invention as described above. Furthermore, Tobita et al teaches wherein the computer network is the Internet (See col. 8, line 63 and figure 1)

i. As per claim 11, Tobita et al teaches the claimed invention as described above. Furthermore, Tobita et al teaches wherein the terminal comprises a mobile telephone connected to the telephone communication network (See col. 8, line 64 and figure 1).

j. As per claim 12, Tobita et al teaches the claimed invention as described above. Furthermore, Tobita et al teaches wherein the unit for detecting the telephone number of the terminal detects the telephone number of the terminal when the terminal places the dial-up connection request (See col. 9, line 67 and col. 10, lines 1-5).

k. As per claim 17, Tobita et al teaches a method for providing a content using a system including a telephone communication network, a computer network, a server, connected to the computer network, for providing the content, a terminal, connected to the telephone communication network, and having a telephone number unique thereto, and a relay apparatus for connecting the telephone communication network to the computer network (See col. 8, lines 58-65 and figure 1), the method comprising the steps of: in a relaying operation performed by the relay apparatus between the terminal and the server, connecting the terminal to the computer network in response to a dial-up connection request from the terminal, detecting the telephone number of the terminal, converting the telephone number into a unique code, and notifying the

server of the unique code (See col. 10, lines 65-67 and col. 11, lines 1-10, and in the supplying of the content by the server to the terminal, identifying the terminal to which the content is provided, based on the unique code notified of by the relay apparatus (See col. 11, lines 11-20).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,694,133 to Tobita et al in view of U.S. Patent Application 2005/0021863 to Jungck.

a. As per claim 4, Tobita et al teaches the claimed invention as described above. However, Tobita et al failed to teach wherein the relay apparatus is a DNS server owned by an Internet service provider, and is connected to the multi-function mobile telephone through the subscriber telephone network.

Jungck teaches an apparatus and method for enhancing the infrastructure of a network such as the Internet. Furthermore, Jungck teaches wherein the relay apparatus is a DNS server owned by an Internet service provider, and is connected to the multi-function mobile telephone through the subscriber telephone network (See pages 4 and 9, paragraph [0039 and 0065]).

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It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the relay apparatus is an DNS server owned by an Internet service provider, and is connected to the multi-function mobile telephone through the subscriber telephone network as taught by Jungck in the claimed invention of Tobita et al in order to handle requests to translate the domain names services by that service provider or forward those requests to other DNS servers coupled with Internet for translation (See page 5, paragraph [0042]).

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,694,133 to Tobita et al in view of U.S. Patent No. 6,148,253 to Taguchi et al.

a. As per claim 6, Tobita et al teaches the claimed invention was described above. However, Tobita et al failed to teach wherein the information terminal connected to the multi-function mobile telephone is a video gaming machine which is operated while monitoring an image presented on the display device thereof.

Taguchi et al teaches wherein the information terminal connected to the multi-function mobile telephone is a video gaming machine which is operated while monitoring an image presented on the display device thereof (See col. 5, lines 8-16)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the information terminal connected to the multi-function mobile telephone is a video gaming machine which is operated while monitoring an image

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presented on the display device thereof as taught by Taguchi et al in the claimed invention of Tobita et al in order to enhance the value of the system (See col. 2, line24).

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,694,133 to Tobita et al in view of U.S. Patent Application 2001/0025275 to Tanaka et al.

a. As per claim 13, Tobita et al teaches the claimed invention as described above. However, Tobita et al failed to teach wherein the server further comprises a unit which performs a fee billing process to the terminal to which the content is provided, based on the unique code notified of by the relay apparatus.

Tanaka et al teaches a system for Internet connections, for calculating connection fees for network connection services, billing system for network connecting s services, and system for network connection management. Furthermore, Tanaka et al teaches wherein the server further comprises a unit which performs a fee billing process to the terminal to which the content is provided (See pages 5 and 6, paragraph [0090]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the server further comprises a unit which performs a fee billing process to the terminal to which the content is provided, based on the unique code notified of by the relay apparatus as taught by Tanaka et al in the claimed invention of Tobita et al in order to calculate the telephone fee for each connection (See page 6, paragraph [0090]).

### ***Conclusion***

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7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Application No. 2002/0042825 to Gee teaches an Internet based telephony service method.

U.S. Patent No. 2002/0147790 to Snow teaches a system for presenting designated websites or content to specified users.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Djenane Bayard

Patent Examiner



RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER